

**CANYONS OF THE ANCIENTS NATIONAL MONUMENT**  
**Advisory Committee Meeting Minutes**  
**April 13, 2004**

**Advisory Committee Attendees:**

Bob Clayton   Chris Majors   Mark Varien   Duane Gerren (arrived after lunch)

Bud Poe   Chuck McAfee   Kelly Wilson

Liz Tozer   Chris Majors (arrived after lunch)

**Bureau of Land Management Attendees:**

LouAnn Jacobson, Monument Manager

Steve Kandell, Monument Land Use Planner

Victoria Atkins, Anasazi Heritage Center Interpretive Specialist

Laura Kochanski, Monument Archaeologist

**Jones and Stokes Associates**

Brad Piehl

**Public Attendees:**

Chris Nickel, Chester Tozer, Amber Clark, Nate Thompson, Marilynn Boynton, George Greenbank, Carl Knight, Dewayne Findley, Jim Adams, Rachel Vass, Dani Gregory

**Agenda**

9:00am - 9:10am	Greetings and Introductions
9:10am - 9:20am	Approval of Minutes from the March 30 <sup>th</sup> Meeting
9:20am - 9:30am	Planning and Monument Manager Update
9:30am – 10:00am	Private Land Working Group Report
10:00am - 10:10am	Break
10:10am - 11:10am	Discussion on Private Land
11:10am - 11:30pm	Public Comment
11:30am – 12:00pm	Vote on Private Land
12:00pm – 1:00pm	Lunch at Anasazi Heritage Center <ul style="list-style-type: none"><li>• Discussion on Recreation Activities</li></ul>

1:00pm - 1:30pm	Vote on Recreation Activities
1:30pm – 3:00pm	Discussion on all Alternatives Development Recommendations
3:00pm - 3:20pm	Public Comment
3:20pm - 3:30pm	Next Agenda

**Note, the remainder of these minutes describes the discussion associated with each agenda topic.**

### **Greetings and Introductions**

Kelly Wilson welcomed all participants. He addressed the Committee and stated that we did not have a quorum (i.e., at least seven members present). As a result, Kelly stated that no voting would take place until a seventh Committee member joined the meeting. Kelly asked everyone (i.e., Committee members and the public) to introduce themselves. Kelly then noted he has received several compliments on the Committee recommendations made thus far.

### **Approval of Minutes from the March 9th Meeting**

Kelly Wilson asked the Committee if there were any requested changes to the minutes from the March 30, 2004 meeting. On page five Mark Varien's name was replaced with Bob Claytons. The resulting sentence was "reviewing objective two, Bob Clayton suggested..." Bud Poe made a motion to approve the minutes. Mark Varien seconded the motion. Kelly Wilson reminded the Committee that without a quorum a vote couldn't be made. The Committee decided to hold their vote to approve the March 30, 2004 meeting minutes until a seventh Committee member joined the meeting.

### **Planning and Monument Manager Update**

LouAnn Jacobson provided a brief update by stating that the BLM deadline for 2005 challenge cost sharing (CCS) funding is fast approaching. CCS funding has been requested for existing partnerships in 2005. Some of these existing partnerships include the San Juan Mountain Association's Site Stewardship Program and the Castle Rock Field Day.

Steve Kandell provided a planning update by first stating that he and LouAnn Jacobson met with the Colorado Division of Wildlife (CDOW) on April 7, 2004. The purpose of the meeting was to introduce the Monument, discuss the ongoing planning process and to identify how the BLM and CDOW can better communicate during the planning process. Steve also noted that two new publications were out. The first is the Monument Scoping Report which summarizes all of the internal and public comments received on planning issues and management concerns. The Scoping Report states that 1,868 submittals were received by BLM. From those submittals a total of 23,744 separate comments were identified. The second publication distributed to the public was Planning Newsletter #2. The focus of this newsletter was to summarize information from the Scoping Report. Steve ended by noting that the planning team is preparing for alternative development workshops in late May and June.

The Committee members asked to all receive a copy of the Monument Scoping Report.

## **Private Land Working Group Report**

Bud Poe stated that he had a revised version of the Private Land recommendations for the Committee to review. He also noted that he attended the public meeting organized by the San Juan Citizen Alliance in Cortez, along with Liz Tozer, Bob Clayton and Chuck McAfee. Bud then began reviewing the Private Land recommendations. He first asked if Committee members cared to change the word “protect” in the goal statement to “promote.” Committee members decided to leave the word “protect.”

Referring to Objective One, Liz Tozer noted that the buffer zone issue still needs clarification. LouAnn Jacobson stated that she plans to develop a newsletter to address private landowner issues, while the plan is being developed. Referring to Management Action 1.2, Mark Varien noted that there may be other approaches to educating landowners then just developing a newsletter. It was decided to make Management Action 1.2 more general by having it read “develop and distribute educational materials (e.g., newsletter, planning website), as needed...” Referring to Management Action 2.4, LouAnn Jacobson suggested that the word “cadastral” should be placed before the word “survey.” This would make clear that a specific type of survey needs to be completed to meet BLM requirements. The Committee agreed to the change.

Bud Poe stated that cadastral surveys should be targeted to areas in the Monument that receive high visitor use first. Kelly Wilson asked if surveys performed by private surveyors would be recognized by BLM. LouAnn responded that as long as these surveys meet BLM cadastral survey standards they should be. She emphasized that early communication between a private surveyor, the landowner and BLM should take place to make certain surveys are acceptable to all parties. Liz Tozer then asked who should be contacted to report trespass problems. LouAnn Jacobson responded that if the trespass is on private property the County Sheriff should be contacted.

Kelly Wilson suggested that the BLM’s cadastral survey standards could be added to the Montezuma County Planning Process. Bud Poe asked if the survey standards would be difficult to incorporate into the county planning process. LouAnn Jacobson responded that the Committee should get the input of a BLM cadastral surveyor to answer that question.

Referring to Management Action 2.4, Mark Varien suggested that wording be added to prioritize surveying to areas with the heaviest use. Management Action 2.4 was then edited to read “identify in the plan, priority areas, a schedule and budget for completing a cadastral survey of the Monument...” The Committee agreed with the edit. Referring to Management Action 2.5, Bud Poe stated that at the citizen meeting the comment was made that the Plan should articulate that landowners’ water rights are governed by Colorado law. To address this concern Management Action 2.5 was edited to add the sentence “also in the Plan, identify that private water rights are governed and issued through the state of Colorado.”

Mark Varien stated that there is little enforcement to control trespass problems on both private and public land. He asked the Committee if a management action should be developed to coordinate the enforcement of trespass actions between BLM and the County Sheriff. Kelly Wilson asked if a MOU was already in place to address this issue. LouAnn Jacobson stated that

there is a draft Law Enforcement Plan that addresses the issue briefly. Liz Tozer noted that when she called the County Sheriff to report a trespass on her private property that she was told by dispatch that it was her problem. Mark Varien stated that a strategy needs to be developed to resolve this problem and enforcement officials should be included in crafting it. Steve Kandell suggested adding a management action that reads “work with local law enforcement officials and landowners, within and adjacent to the Monument, to develop a plan to improve enforcement of trespass actions on private property.” The Committee agreed to add the management action.

Liz Tozer stated that landowners, adjacent to and within the Monument, are very concerned about having defensible space around their property. LouAnn Jacobson responded that BLM has funding this year to write a comprehensive fuels management plan with the U.S. Geological Survey. LouAnn also noted that there is an official list of wildland/urban interface areas. Unfortunately, the town of Cortez is not on this list. As a result, it will be more difficult to get funding for fuels reduction projects. LouAnn suggested that a management action be added for BLM to work with landowners to create defensible space on private land. Steve Kandell suggested adding a management action that reads “encourage landowners, within and adjacent to the Monument, to increase defensible space on their property.” The Committee agreed to add the management action.

Referring to Management Action 3.6, Kelly Wilson noted that Montezuma County does have the right to spray for noxious weeds on private property; however, they would never want to take that type of heavy handed approach. Bud Poe asked how much, if any, interface there should be between the counties and BLM in controlling noxious weeds. Should BLM encourage the counties to be more aggressive in controlling noxious weeds on private land adjacent to and within the Monument? Steve Kandell suggested adding Management Action 3.6.1 that would read “work with local governments in the development of this program.” The Committee agreed to add this management action.

Referring to Management Actions 3.7.1 and 3.7.6, Bob Clayton stated that the type of facility (i.e., BLM, private) should be specified. The Committee agreed to add the word “BLM” to these management actions to specify that they only apply to BLM facilities and not private facilities. Kelly Wilson then stated that development on private land has to follow county development procedures and that this should be mentioned. Steve Kandell suggested adding Management Action 3.7.7 that reads “development on private property, adjacent to or within the Monument, will follow county regulations.” The Committee agreed to add the management action.

Referring to Management Action 4.4.2, Liz Tozer asked how the restoration of disturbed areas on the Monument would be prioritized. Would recently disturbed areas be restored first? Mark Varien suggested that restoring disturbed areas needs to be prioritized. To address these comments Management Action 4.4.2 was edited to read “prioritize and schedule the restoration of disturbed areas on public lands in the Monument, using native seed.”

Mark Varien noted that during the first public comment period, prior to the Proclamation being signed, the issue of losing archaeological sites on private property was raised. Mark would like to see incentives given to private landowners to protect sites on their property. Mark also asked if the Committee felt it was appropriate to address this issue in the Plan. Bud Poe stated that land

conservancies can already write tax incentives into easements to protect archaeological sites on private property. Mark Varien responded that he would like to see landowners rewarded for protecting archaeological sites on their private property. Steve Kandell suggested adding a management action that reads “identify incentives and options for willing landowners, within or adjacent to the Monument, to protect cultural resources located on their private property.” Steve also suggested adding another action under this one that reads “work with landowners and local governments in crafting these incentives and options.” The Committee agreed to add these management actions.

Referring to Management Action 5.1, Chuck McAfee stated that there should also be personnel from both Canyons of the Ancients and Hovenweep National Monument that are responsible for creating complimentary policy. The Committee agreed to this edit. As a result, Management Action 5.1 reads “identify agency personnel, from both Canyons of the Ancients and Hovenweep National Monument, who are responsible for creating complimentary policy and resolving conflicting policy between the two agencies.”

Kelly Wilson commented that he was concerned about the use of the term “native seed” in Management Action 4.2.2. He is concerned with limiting the Monument to using native seed only, when other non-native species may be useful in addressing a particular management problem (e.g., spread of noxious weeds, erosion). Bob Clayton agreed by stating that we should not close the door on technology. Chuck McAfee cautioned that using non-natives can cause new management problems in the future (e.g., tamarisk). Chuck suggested that using non-native seed to resolve management problems could be a good research opportunity. The Committee asked Steve Kandell to develop a management action to address these concerns and ideas.

### **Public Comment**

Prior to the start of the public comment period, Steve Kandell handed out a letter from George Greenbank to the Committee members. Marilyn Boynton commented that a variety of seed type should be considered for use in the Monument to prevent a monoculture of vegetation from developing. Marilyn also asked Kelly Wilson if the Montezuma County Commission could pass an ordinance to authorize landowners to photograph the license plates of individuals trespassing.

Chester Tozer commented on a recent livestock grazing permit renewal environmental assessment by handing out pictures he took of the range in March and April. Chester then commented that he didn’t agree with the idea of sharing the cost of completing surveys between BLM and private landowners. He felt that private landowners should not be asked to pay for surveys.

Referring to Management Action 2-1 of the Private Land Recommendations, Bob Johnson stated that the phrase “reasonable permanent access” should be added. LouAnn Jacobson responded that access can only be provided for up to 30 years at a time. Bob Johnson was concerned that after 30 years private landowners could lose their access.

George Greenbank commented that even though the buffer issue may not be credible, that it is in the minds of many landowners. He also stated that the Ouray County ordinances for controlling

light pollution should be looked at as an example for the Monument. George concluded by stating that private property owners are stewards of the Monument if they like it or not. George then referred the Committee to his letter.

Carl Knight stated that the Ute Mountain Ute Tribe has property adjacent to the southeast corner of the Monument. Furthermore, the only way the tribe can access this property is from the north. He asked if the tribe would be restricted from using this access route in the future. LouAnn Jacobson responded that historical use would be honored and that this concern can be addressed in the Plan's transportation system. Carl Knight then asked when BLM was going to meet with the tribe to address the Brunot Agreement. LouAnn Jacobson responded that BLM needs an invitation. She has left phone messages in the past without any response.

### **Vote on Recreation Activities**

Chuck McAfee discussed changes made to the recreation recommendations since the Committee last looked at them. The terms frontcountry, passage, outback and primitive were replaced with Visitor Access (VA) 1-4. Referring to page 6, Chuck noted that 2.1.d was edited to read "permitted activities and valid existing rights (i.e., oil and gas leases) will not be restricted by the creation of visitor access areas." Referring to page 7, Chuck noted that the phrase "...and with the hunting provisions of the Brunot Treaty", was added to the end of 3.2.e.

Liz Tozer asked if there would be limits on commercial recreation permits in the future. LouAnn Jacobson responded that there are currently 12 commercial recreation permits, and that there is a moratorium on issuing new permits until the Plan is completed. Chuck McAfee and Liz Tozer suggested adding a Management Action 4.1.e to read "allow existing permittees, in good standing, to continue their commercial outfitter and guide operations." The Committee agreed to add this management action. LouAnn noted that commercial recreation permits are issued for one year at a time. Permittee performance is evaluated on an annual basis to determine if their permit should be reissued. Liz Tozer asked if there would be limits in the future on permits for horseback riding. Steve Kandell responded that the number of permits issued would be based on the condition of the resource. The details of this monitoring system will likely be developed in the Plan.

Chuck McAfee commented that the solicitor's interpretation of the Proclamations language about "prohibiting motorized and mechanized vehicles off-road" is necessary before the recreation recommendations can be finalized. Chris Majors stated that the level of detail the Committee is making recommendations at doesn't require a solicitor's opinion on this topic. He also stated that the Committee can't control when and what guidance comes down from the solicitor. As a result, the Committee should move forward. Mark Varien agreed with Chris.

Liz Tozer commented that under Objective Two, that VA 1-4 should replace all references to frontcountry, passage, outback and primitive. The Committee agreed to this suggestion. Chris Majors stated that he felt the use of visitor access areas is unnecessary. Mark Varien responded that these areas will provide guidance for making decisions on what and where visitor uses should occur. Chris Majors noted that these areas already exist on the ground, and don't need to be identified on a map. Mark Varien agreed, but thinks it is best to formalize these areas and use them as a means of communicating with the public.

Mark Varien noted that VA-2 is consistent with what the group has talked about with transportation. The visitor access areas are a way to establish the transportation plan and communicate it to the public. Chris Majors stated that he was concerned that if WSA designations in the Monument are removed in the future, that the VA-4 designation would prevent him from accessing the area. LouAnn Jacobson noted that if WSAs were removed from the Monument a plan amendment could be performed to address this concern. Steve Kandell noted that VA-4 does provide for limited instances of access for administrative and emergency purposes.

Chris Majors requested that the recommendations include a statement that the visitor access areas only apply to recreation and are not intended to restrict other permitted activities (i.e., grazing). Chuck McAfee noted that this is already stated in 1.2.d. Mark Varien noted that this limitation of visitor access areas could be further clarified in the definition of visitor access areas. Chuck McAfee agreed with this suggestion. Steve Kandell suggested adding a sentence that reads “the areas are a component of the tools that guide decision-making on visitor access within the Monument; however, they are not designed to limit other permitted uses (i.e., livestock grazing, fluid minerals exploration and extraction).” Chris Majors stated that the entire document needs to be reviewed to remove all reference to the terms frontcountry, passage, outback and primitive areas.

Bud Poe asked if the Committee should deal with the biking issue in the recreation recommendations. Chuck McAfee felt that the Committee should not attempt to address this issue specifically. Mark Varien questioned whether the Committee should make a recommendation on this issue independent of the solicitor. Chris Majors questioned where in the recreation recommendations the solicitor’s opinion on mountain biking would have an impact. Mark Varien replied that maybe the Committee should make a statement about all existing uses, and not focus specifically on mountain biking. Chris Majors agreed with this comment. Mark Varien then stated that he was concerned that the solicitor will make an opinion over words in the Proclamation (i.e., off-road) that won’t be based on an on the ground knowledge of Monument. Steve Kandell responded that what the Committee is proposing sounds more like a creating a vision statement. Kelly Wilson asked if the Committee members wanted to develop a vision statement. The Committee responded yes.

### **Public Comment**

Marilynn Boynton asked how the passage areas identified in the recreation recommendations could be displayed on a map. She felt that they would be too small. Marilynn then asked if area(s) in the Monument were going to be designated for off road vehicles. Chuck McAfee responded that this has never been proposed in the recreation recommendations.

Dewayne Findley commented that the visitor access areas will be difficult to administer and that the public won’t know where the visitor access lines begin or end. Steve Kandell responded that the best way to delineate visitor access areas on the ground would be to use breaks in the natural landscape (e.g., canyons, cliffs). Dewayne also noted that if visitor access areas are going to be used that there should be only three areas and not four. Mark Varien responded that the four areas already exist as a result of the transportation plan. Marilynn Boynton asked if someone

leaves a road would they be in a new visitor access area. The road would be classified as VA-2 and the area surrounding it could be VA-3? The Committee responded yes. Chris Majors commented that the visitor access area system makes sense to him if VA-2 includes travel routes only.

Duane Gerren stated that the visitor access area idea doesn't make sense to him, specifically areas two, three and four. He questioned whether visitors would be able to make sense of them.

A member of public noted that it is important for the Committee to develop a vision statement that emphasizes multiple-use. Nate Thompson asked if ultra lights had been addressed by the Committee to date. Steve Kandell responded that the Committee has not developed any recommendations on this use.

### **Next Agenda**

Bud Poe made a motion to accept the Recreation recommendations as revised. Mark Varien seconded the motion. Kelly Wilson asked if there was another discussion. He then asked the Committee all in favor say "aye." All Committee members present said "aye."

Chuck McAfee made a motion to accept the Private Land recommendations as revised. Bob Clayton seconded the motion. Kelly Wilson asked if there was another discussion. He then asked the Committee all in favor say "aye." All Committee members present said "aye."

Kelly Wilson reminded the Committee that a motion to approve the March 30, 2004 meeting minutes was already made and seconded earlier in the meeting. He then asked the Committee all in favor say "aye." All Committee members present said "aye."

Steve Kandell asked the Committee if they wanted to start reviewing all the recommendations or wait until the next meeting. The Committee decided to not begin reviewing all of the recommendations until the next meeting. Steve then announced the next meeting would be on May 19, 2004. LouAnn Jacobson commented that once the alternative development recommendations are made that the Committee should start spending more time in the field. Bob Clayton asked if field trips were open to the public. LouAnn responded yes. Mark Varien asked the Committee members to come up with some field trip recommendations at the next meeting.

Kelly Wilson asked the Committee if they had any other items to discuss. The Committee responded no.

**Meeting was adjourned at 2:30pm.**